

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 10, 2008

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No. 06-31134  
Conference Calendar

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Charles R. Fulbruge III  
Clerk

NATHAN ROLLINS

Plaintiff-Appellant

v.

KEITH BICKHAM, Major; JOHNNY GERALD, Major; WAYNE KENNEDY,  
Sergeant Master; ERIC MANNING, Sergeant; RICK WARREN, Lieutenant;  
ROBERT TANNER, Warden; B-TEAM EXTENDED LOCKDOWN OFFICERS

Defendants-Appellees

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:05-CV-1961

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Before DAVIS, WIENER, and PRADO, Circuit Judges.

PER CURIAM:\*

Nathan Rollins, Louisiana prisoner # 131530, appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint against various Louisiana Department of Corrections officers. He also moves for oral argument on appeal and for the exclusion of evidence introduced in the district court.

Rollins argues on appeal that the evidence does not support the magistrate judge's determination, which the district court adopted, that Rollins's excessive

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

force claims against Officers Keith Bickham, Johnny Gerald, and Rick Warren were not supported by a preponderance of the evidence. However, Rollins has not demonstrated that the magistrate judge's factual and credibility determinations concerning these claims constituted clear error. See *Baldwin v. Stalder*, 137 F.3d 836, 839 (5th Cir. 1998).

Rollins does not challenge the district court's dismissal of his claims against the Washington Correctional Institute, Officer Robert Tanner, and Officer Wayne Kennedy for failure to exhaust administrative remedies or, in the case of Officer Kennedy, as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). Accordingly, he has abandoned these claims. See *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED; ALL PENDING MOTIONS DENIED.